

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Telephone Number Portability) CC Docket No. 95-116

TO: The Common Carrier Bureau

PETITION FOR EXTENSION OF TIME OF MEDIAONE, INC.

- I. DUE TO PEROT SYSTEMS, INC.'S REPEATED CONTRACTUAL BREACHES, ITS FAILURE TO PROVIDE A NUMBER PORTABILITY ADMINISTRATION CENTER SERVICE MANAGEMENT SYSTEM ("NPAC/SMS") THAT COULD PERFORM TO REQUIRED TECHNICAL AND PERFORMANCE STANDARDS, AND THE CHANGE OF NPAC/SMS VENDORS TO LOCKHEED-MARTIN, MEDIAONE, INC. WILL REQUIRE AN EXTENSION OF TIME TO DEPLOY LOCAL NUMBER PORTABILITY, COINCIDENT WITH THE EXTENSIONS GRANTED TO THE WEST COAST AND SOUTHEAST REGIONS

MediaOne, Inc. ("MediaOne") hereby requests an extension of time to accomplish the deployment of Local Number Portability ("LNP") in its territories lying within the West Coast and Southeast regions. As the Federal Communications Commission ("Commission") is aware,¹ LNP deployment in the above-referenced regions is being administered by Regional Limited Liability Companies ("Regional LLC" or "LLC"). Those Regional LLCs terminated their contracts with Perot Systems, Inc. ("Perot") around mid-February, 1998, due to

¹ See Letter to A. Richard Metzger, Jr., Chief, Common Carrier Bureau, Federal Communications Commission, from Alan C. Hasselwander, Chairman, North American Numbering Council, dated Feb. 20, 1998.

repeated and continuing breaches of the Master Contract associated with the provision and delivery of a production-ready NPAC/SMS.² Around that same time, both Regional LLCs entered into a contract with Lockheed-Martin for the delivery of an NPAC/SMS. It is anticipated that a production-ready NPAC/SMS will be available on May 11, 1988. The West Coast region will be in a position to begin LNP deployment soon after that date, while the incumbent local exchange carrier ("ILEC") (i.e., BellSouth) will be unable to begin operations interfacing with that NPAC/SMS until around the beginning of September, 1998.

Because of the delays attendant to the numerous Perot breaches, the time necessary to renegotiate the vendor contract for the Lockheed-Martin NPAC/SMS, and the expected dates in the West Coast and Southeast regions for a production-ready NPAC/SMS, MediaOne will require a brief extension of time to fulfill the Commission's aggressive time mandates regarding the deployment of LNP in its operating areas in the West Coast and Southeast regions.

The most recently reviewed Lockheed-Martin Project Plan makes clear that

² The Commission has described the NPAC/SMS as "a hardware and software platform that will contain the database of information required to effect the porting of telephone numbers. In general, the [NPAC/SMS] will receive customer information from both the old and new service providers, validate the information received, and download the new routing information when an 'activate' message is received indicating that the customer has been physically connected to the new service provider's network. The [NPAC/SMS] will contain a record of all ported numbers and a history file of all transactions relating to the porting of a number. The [NPAC/SMS] will also provide audit functionality and the ability to transmit routing information to service providers to maintain synchronization of the service providers' network elements that support portability." In the Matter of Telephone Number Portability, Second Report and Order, 12 FCC Rcd. 12281, 12288 n.31 (1997) ("Second Report and Order").

those carriers affected by the contractual agreements between the Regional LLCs and Lockheed-Martin will be unable to complete Phase I of LNP deployment by March 31, 1998. The slippage in this Phase will also cause slippages in the subsequent phases, as well. The amount of time of the slippage will depend on the specific carrier. In some cases, while the specific dates associated with the Phases will slip or change, completion of all phases of LNP will be completed by December 31, 1998 (the current required end-date for Phase V). In other cases, the December 31, 1998 will not be met.

MediaOne understands that the largest ILECs will be filing Petitions for Extension outlining their respective needs with respect to additional time to deploy LNP across their territories. MediaOne would expect to deploy LNP along the same timelines as those presented by the largest ILECs. In the Los Angeles Metropolitan Service Area ("MSA"), where MediaOne must interface with both Pacific Bell and GTE Service Corporation ("GTE"). MediaOne requests that its schedule be extended to the dates granted to Pacific Bell or GTE.

To the extent that an end-date for Phase V will extend beyond December 31, 1998, MediaOne also asks that the Commission extend the date that entities can make Bona Fide Requests ("BFR") for LNP from carriers in the affected regions from the currently-mandated January 1, 1999 until the first day after the last date included in the Phase V implementation. MediaOne requests that the right to proffer a BFR not extend to a carrier until the next day after the final completion of Phase V. Such a change would be consistent with the Commission's prior establishment of January 1, 1999 date for BFRs, i.e., the first date after the

originally-expected final deployment date for Phase V, as well as with the policy reasons for establishing a BFR process in the first instance.

II. THE FILINGS OF THE ILECS IN THE WEST COAST AND SOUTHEAST REGIONS DEMONSTRATE SOUND GROUNDS FOR GRANTING AN EXTENSION UNDER 47 SECTION 52.23(d), AS WELL AS “GOOD CAUSE” UNDER A MORE TRADITIONAL WAIVER ANALYSIS -- GIVEN THAT THE NEED FOR THE ADDITIONAL TIME STEMS FROM CIRCUMSTANCES BEYOND THE CONTROL OF THOSE ILECS, OR MEDIAONE’S CONTROL, THE LNP DEPLOYMENT DATES SHOULD BE EXTENDED

Under 47 C.F.R. Section 52.23(d), the Common Carrier Bureau (“Bureau”) has delegated authority to waive any of the dates in the implementation schedule for LNP “to ensure the efficient development of number portability” for a period not to exceed 9 months.³ MediaOne believes that the underlying facts associated with the Perot breaches and the change of NPAC/SMS vendor to Lockheed-Martin provide a substantial grounds on which to grant waivers of LNP deployment in the West Coast and Southeast regions. Certainly, the change of vendor to Lockheed-Martin was reasonable and prudent such that it “ensure[s] the efficient development of number portability” in a more predictable and reliable timeframe than would be the case had those Regions LLC’s attempted to continue their contractual relationship with Perot. Thus, under Section 52.23(d), the Bureau should grant the instant Petition for Extension of Time.⁴

Additionally, however, MediaOne believes that the Petitions that will be filed by the ILECs in the West Coast and Southeast regions will also demonstrate “good

³ 47 C.F.R. § 52.23(d).

cause” for such an extension/waiver (under the more traditional waiver analysis).⁵

An applicant for a waiver must demonstrate that special circumstances warrant a deviation from the general rule and that such deviation will serve the public interest.⁶ The Commission has recognized that the unavailability of a product from a manufacturer is an appropriate ground for finding good cause. For example, the Bureau recently granted waivers to various small local exchange carriers in connection with the conversion to 4-digit Carrier Identification Code (“CIC”) implementation. In those waivers the Bureau recognized that the products these companies needed to accomplish the upgrade to their individual networks is not readily available from switch manufacturers, and that has caused the companies a delay in meeting the Commission-mandated schedule.⁷ Similarly, when carriers were attempting to implement Originating Line Screening (“OLS”) services, vendor delays (which included system/software problems identified during on-line testing) were held to constitute good cause to support an extension of time.⁸

⁴ Affected MediaOne switches include: Phase I; Atlanta and Los Angeles; Phase II Pompano; Phase III, none; Phase IV, Jacksonville.

⁵ 47 C.F.R. § 1.3.

⁶ Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990); WAIT Radio v. FCC, 418 F.2d 1153, 1158 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972).

⁷ See, e.g., Clarks Telecommunications Co., 1997 FCC LEXIS 6700, rel. Dec. 3, 1997; Cuba City Telephone Exchange Company, 1997 FCC LEXIS 7018, rel. Dec. 15, 1997; Order, DA 97-2691, rel. Dec. 24, 1997; Frontier Communications of Lakeshore, Inc., 1997 FCC LEXIS 7223, rel. Dec. 31, 1997; MoKan Dial, Inc., 1998 FCC LEXIS 80 ¶¶ 19-24, rel. Jan. 8, 1998.

⁸ See In the Matter of Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation Petitions Pertaining to Originating Line Screening Services, Memorandum Opinion and Order, 5 Comm. Reg. 1295, 1298-299 ¶ 7

Therefore, a delay in implementation due to vendor product availability is a recognized reason to grant waivers. As substantial, credible evidence filed with the Commission will show, the reason for the delay in LNP deployment in the affected regions is due to extraordinary circumstances beyond the control of the Regional LLCs, its member companies, and affected carriers; and occurred despite the vigilance of the Regional LLCs in monitoring the performance of Perot.

III. PROCEDURAL MATTER REGARDING REQUESTED EXTENSION

MediaOne believes that the completion dates that the ILECs will propose with respect to each Phase (after the availability of a production-ready NPAC/SMS) will be aggressive. As a matter of strict procedure, the current Petition for Extension of Time need only ask for an extension with respect to Phase I. Under the existing rules, a Petition for Extension of Time with respect to Phase II would not be required to be filed until 60 days before May 15th (or around March 15th). Similarly, a Petition for Extension of Time would not be required to be filed for Phase III until around April 30th; Phase IV around July 31st; and, depending upon any ILECs' proposed LNP deployment schedule, a Petition for Extension of Time regarding Phase V might not be required at all or might be required around October 31st.

(1996) (concluding that temporary waivers, granting extensions of time, were warranted for those carriers "whose . . . [Line Information Database] LIDB provider is not yet ready to offer enhanced [Originating Line Screening] OLS service"); Memorandum Opinion and Order, 12 FCC Rcd. 11606, 11608 ¶ 5 (1997) (where an OLS LIDB-based service provider outlined the problems it was having in the loading of data; the learnings associated with on-line testing; the need for future software modifications), and id. at 11609 ¶ 7 (grant of requested extension would "permit [the vendor] to address the technical issues" raised).

It is possible that the Bureau may determine that it is only appropriate to address the instant Petition for Extension of Time request with respect to Phase I. Obviously, such an approach would require that all affected carriers file repeated Petitions for Extension of Time as they get within 60 days of the completion dates currently mandated with respect to subsequent Phases.

MediaOne believes that it makes sense for the Bureau to rule on MediaOne's Petition for Extension of Time as a whole, granting us the full spectrum of extensions granted the underlying ILECs. Such would certainly be more efficient than requiring additional Petition filings in the future. However, should the Bureau take this approach, MediaOne would still expect to retain the ability to file Petitions for Extension of Time in the event we were unable to complete any particular Phase by the dates incorporated into the underlying ILEC deployment plan, or if the ILEC deployment plan itself required modification. Furthermore, it is a certainty -- since some of the proposed timeframes between Phases II through IV are less than 60 days, that an extension petition filed with respect to a granted-ILEC timetable could not be filed 60 days in advance. Thus, concomitantly with granting MediaOne's proposed timetable, the Bureau should waive the 60-day filing requirement at this time, requiring that carriers file as soon as possible if they are going to be unable to meet their represented (and granted) completion dates.

MediaOne believes that a "total package extension" would be the more efficient procedure and urge the Bureau to give it serious consideration.

III. CONCLUSION

For the above reasons, and for all the substantive reasons outlined in the filings of BellSouth Corporation ("BellSouth"), Pacific Bell, and GTE, MediaOne hereby requests that the Commission grant it an extension of time to deploy LNP in the West Coast (Pacific, GTE), and Southeast (BellSouth) regions, coincident with the extensions granted to the underlying carriers. We also request that, to the extent a carrier is unable to complete deployment of LNP by December 31, 1998, the Commission extend the BFR date out to the day after the last date for Phase V completion.

Respectfully submitted,

MEDIAONE, INC.

By: Kathryn Marie Krause
Kathryn Marie Krause
Suite 700
1020 19th Street, N.W.
Washington, DC 20036
(303) 672-2859

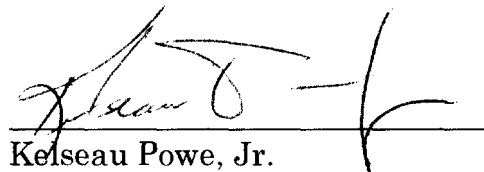
Its Attorney

Of Counsel,
Dan L. Poole

March 2, 1998

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 2nd day of March, 1998, I have caused a copy of the foregoing **PETITION FOR EXTENSION OF TIME OF MEDIAONE, INC.** to be served, via hand delivery, upon the persons listed on the attached service list.



Kelseau Powe, Jr.

William E. Kennard
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, DC 20554

Gloria Tristani
Federal Communications Commission
Room 826
1919 M Street, N.W.
Washington, DC 20554

Michael K. Powell
Federal Communications Commission
Room 844
1919 M Street, N.W.
Washington, DC 20554

Harold Furchtgott-Roth
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, DC 20554

Susan P. Ness
Federal Communications Commission
Room 832
1919 M Street, N.W.
Washington, DC 20554

A. Richard Metzger, Jr.
Federal Communications Commission
Room 500
1919 M Street, N.W.
Washington, DC 20554

Daniel B. Phythyon
Federal Communications Commission
Room 5002
2025 M Street, N.W.
Washington, DC 20554

Jane E. Jackson
Federal Communications Commission
Room 518
1919 M Street, N.W.
Washington, DC 20554

Geraldine A. Matise
Federal Communications Commission
Room 235
2000 M Street, N.W.
Washington, DC 20554

Wanda M. Harris
Federal Communications Commission
Room 518
1919 M Street, N.W.
Washington, DC 20554

Jason R. Karp
Federal Communications Commission
Room 544
1919 M Street, N.W.
Washington, DC 20554

International Transcription
Services, Inc.
1231 20th Street, N.W.
Washington, DC 20036

cc95116xz-KK
Last Update: 3/2/98